



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Albert J. Hutson, Jr.
County Attorney
Trinity County
Groveton, Texas

Dear Sir:

Opinion No. 0-4877

Re: Can a person legally hold the office of Superintendent of Public Instruction and be an officer in the Officers Reserve Corps of the United States at the same time, and other questions?

Your letter of September 23, 1942, requesting the opinion of this department on the questions stated therein reads as follows:

"Can a person legally hold the office of Superintendent of Public Instruction and be an officer in the Officers Reserve Corps of the United States at the same time?

"I think the answer to this question is 'yes'. Constitution of Texas, Art. 16, Par. 40.

"Can a superintendent of public instruction legally delegate to an assistant the authority to approve vouchers legally drawn against school districts of his county? A. C. S. Art. 2693.

"If the depository bank of a school district pays out money on a legally drawn warrant, that has been approved by an ASSISTANT Superintendent of Public Instruction, and such warrant was for the benefit of the school district, would the school district be authorized to recover the money paid on such warrant from the depository bank?

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"I think the answer to this question is 'no'.
See *Moody vs. Chessher*, 183 S.W. 23.

"Your prompt answers to the above questions
will be greatly appreciated."

In view of the provision of the State Constitution
cited in your letter and the holding of the Supreme Court in
the case of *Carpenter vs. Sheppard et al*, 145 S. W. (2d) 562,
it is the opinion of this department that your first question
should be answered in the affirmative and is so answered.

We think that your second question and third question
are answered in our opinions Nos. O-1507 and O-1507-A. There-
fore, we are enclosing copies of these opinions in answer to
these questions.

We also enclose copies of our opinions Nos. O-604-A
and O-3295 pertaining to similar questions regarding a county
school superintendent under the facts stated in these opinions.

Trusting that the foregoing fully answers your in-
quiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Ardell Williams

Ardell Williams
Assistant

AW:mp
Encl.

APPROVED SEP 20 1942

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

